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Illinois--laws, statutes, etc.

"An act to amend section 11 of"

An act to regulate the civil service.

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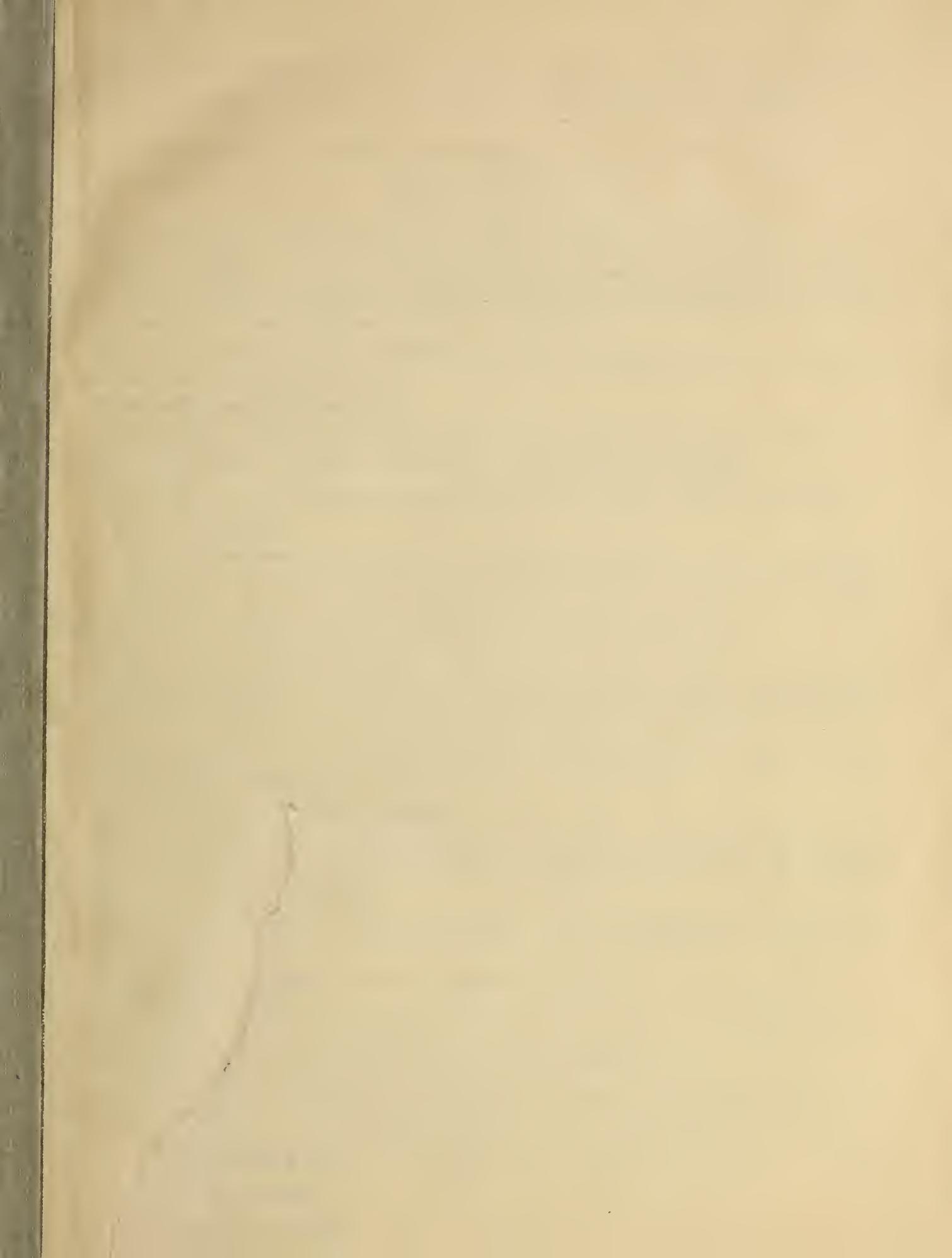
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AN ACT TO AMEND SECTION 11 OF 'AN ACT TO REGULATE THE CIVIL SERVICE OF THE STATE OF ILLINOIS,' APPROVED MAY 11, 1905, AS AMENDED, AND TO ADD SECTION 36A THERETO."

(SENATE BILL 492 of the Sixty-Second General Assembly of the State of Illinois)

Approved July 22, 1941

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

SECTION 1. Section 11 of "An Act to regulate the civil service of the State of Illinois," approved May 11, 1905, as amended, is amended, and Section 36a is added thereto, the amended and added sections to read as follows:

Sec. 11. The following officers, positions, and places of employment shall be exempt from the classified civil service of the State:

- (1) All officers elected by the people.
- (2) All judges and officers appointed by judges of any court, clerks of court, all officers and employees of the General Assembly or either house thereof, and notaries public.
- (3) All offices, positions and places of employment in the military service of the State.
- (4) All notaries public.
- (5) All officers appointed by the Governor by and with the advice and consent of the Senate.
- (6) One private secretary and one stenographer for each elective officer in the executive department, and one private secretary for each director of a department created by the Civil Administrative Code of Illinois and for the President of each State normal school.
- (7) All regular and special Assistants Attorneys General, all law clerks, special investigators and all special attorneys employed by the Attorney General, including the inheritance tax attorney of Cook County and assistant inheritance tax attorneys of Cook County.
- (8) All presidents, deans, principals, professors, instructors, scientific staff and other teachers of the State normal schools, *and of the State Scientific Surveys*.
- (9) All employees at the executive mansion.
- (10) The superintendent and assistant superintendent of the capitol building and grounds.
- (11) All bank examiners, examiners of building and loan associations, insurance actuaries and examiners of insurance companies.
- (12) All superintendents, wardens and chaplains in the State charitable, penal and correctional institutions.
- (13) All regularly licensed veterinary surgeons employed by or under the supervision of the Department of Agriculture.
- (14) All clerks, watchmen and policemen employed in the offices of the elective officers in the executive department and the office of the Clerk of the Supreme Court.
- (15) In the State normal schools, *and in the State Scientific Surveys* students may be employed under the rules of the Civil Service Commission without examination or certification.
- (16) *The President of the University of Illinois and all employees thereof shall be exempt*
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UNIVERSITY OF ILLINOIS

from the classified civil service of the State as heretofore in this Act established but shall be subject to the provisions of Section 36a of this Act relating to the classified civil service of the University.

Section 36a. The Board of Trustees of the University of Illinois shall, as soon as possible, and within six months after the effective date of this amendatory act, and as often thereafter as may be necessary because of new positions, classify by rules adopted for that purpose all non-academic positions and employments in the University of Illinois, except the President of the University, the officers of the Board, administrative officers, and professional and scientific positions, with reference to the duties thereof for the purpose of establishing grades, salary scales, and standards of examinations therefor. Such positions and employments shall constitute the classified civil service of the State in relation to the University of Illinois and no appointments shall be made except in accordance with the provisions of such rules.

All persons who are employees of the University of Illinois and subject to civil service regulations in force when this amendment goes into effect shall be classified by the Board of Trustees of the University of Illinois without additional examinations, and shall continue to be civil service employees of the University subject to rules and regulations lawfully adopted by said Board.

No officer or employee in the classified civil service under the provisions of this section shall be removed or discharged, except for just cause, upon written charges, and after an opportunity to be heard in his own defense. Such charges shall be investigated and heard by or before said Board. The finding and decision of such Board shall be certified to the appointing officer and shall be forthwith enforced by such officer. In the course of an investigation of charges, each member of the Board and the Secretary shall have the power to administer oaths and shall have power to secure by subpoena both the attendance and testimony of witnesses and the production of books and papers relevant to such investigation.

The Board shall prescribe the duties of each employment or office and place it in the classified service under the provisions of this section, and designate by rule the grade of each position. The Board shall prescribe standards of efficiency for each grade and for examination of candidates for appointment thereto. For the purpose of establishing uniformity in the same grades, the Board shall prescribe the maximum and minimum pay for each grade and the title thereof. The Board shall standardize employment in each grade and make and keep a record of the relative efficiency of employees in the classified civil service. The Board shall make and publish rules, which it may change from time to time, to carry out the purpose of this section, and for examination, appointments, transfers, and removals and for maintaining adequate records as herein required. Such rules shall be distributed by the Board and it shall give notice of the places where such rules may be obtained by publication in one or more daily newspapers published in each of the seven largest cities in the state according to the last general census published by the United States. Copies of all said rules and of all changes therein certified by the Board shall be sent to the county clerk of each county in the State where they shall be open to inspection by the public at all reasonable hours.

All applicants for the classified service under the provisions of this section shall be subjected to examination which shall be fair and competitive, open to all citizens resident in the State of Illinois who can qualify for this classified service, under the rules of the Board concerning residence, age, sex, health, personal habits and appearance, moral character, training, education and

qualifications to perform the duties of the positions to be filled. In examinations for technical positions residence may be waived. Such examinations shall be practical, relate to the classification for which the examination is given, and shall fairly test the relative capacities of the persons examined to discharge the duties of the positions to which they seek appointment. No question in any examination shall relate to political or religious affiliations or racial origins of the examinee.

The Board shall conduct such examinations and control the same, and may delegate the duty of preparing questions and grading answers to duly qualified and disinterested members of its faculty or staff for which work no additional compensation shall be paid. Notice of the time and place of such examinations, with a statement of the scope thereof, shall be published at least two weeks before such examination in one or more daily newspapers of general circulation published in each one of the seven largest cities of the State according to the last general census published by the United States. Written or printed notice of every examination shall also be sent to the county clerk of every county in the State, who shall post the same promptly in a conspicuous place in the courthouse of each county.

From the results of such examinations, the Board shall prepare and keep a register for each class or grade of positions in the classified civil service under the provisions of this section, of those persons who have become eligible through such examinations for such positions, and such persons shall take rank upon said register in the order of their relative excellence as determined by said examinations.

The Board shall, by its rules, provide for promotions, whether to fill vacancies or otherwise, solely on the basis of ascertained merit. To that end it shall fix lines of promotion wherever practicable. Whenever a position in the classified civil service under the provisions of this section is to be filled the Board shall certify to the appointing officer the names and addresses of the three persons standing highest upon the register for the class or grade to which said position belongs. Sex shall be disregarded except when the nature of the position requires otherwise. Appointments shall be on probation for a period of not more than six months, to be fixed by said rules, and persons so appointed may be discharged at any time during the period of probation, if, in the opinion of the Board, they have not shown sufficient aptitude to continue.

When there is no eligible list the Board may make temporary appointments to remain in force only until regular appointments under the provisions of this section can be made. Examination for such appointments must be given within six months from the date of such temporary appointments and an eligible list established within a reasonable time thereafter. For positions which are temporary or of an emergency nature the Board may make temporary appointments for a period not exceeding thirty days.

In all removal proceedings any member of the Board and its Secretary may administer oaths. When it is necessary to reduce the number of employees, persons last appointed shall be first laid off, and their names shall be placed on a reinstatement list for reemployment in the order in which they were laid off, such reemployment to take precedence over any register of eligibles in existence at the time of the lay-off. All temporary employees shall be laid off first.

The prohibitions and penalties in Sections 19, 20, 21, 22, 23, 24, 25, 26, 32, and 33 of this Act shall apply to the Board, its members, officers and employees, and to all persons in the classified civil service under the provisions of this section. All prosecutions hereunder shall be instituted and conducted by the state's attorney of the county where the offense occurred. In case of conviction under Section 33 of this Act, the office or position held by the person convicted shall become vacant.

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Sections of this Act referred to in the last paragraph of Section 36a are as follows:

Section 19. Frauds Prohibited. No person or officer shall wilfully or corruptly, by himself, or in co-operation with one or more persons, defeat, deceive or obstruct any person in respect to his or her right of examination hereunder; or corruptly or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined hereunder or aid in so doing; or wilfully or corruptly make any false representation concerning the same or concerning the person examined; or wilfully or corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, or to be examined, being appointed, employed or promoted. And no applicant for any examination shall wilfully or corruptly by himself, or in co-operation with one or more persons, deceive the said commission with reference to his identity, or wilfully or corruptly make any false representations in his application for any examination, or commit any fraud for the purpose of improving his prospects or chances in such examination. (As amended by act approved May 25, 1907. L. 1907, p. 204.)

Section 20. Receiving or Soliciting Political Contributions Forbidden. No officer or employee shall solicit, orally or by letter, or receive, or be in any manner concerned in soliciting or receiving any assessment, subscription or contribution from any member of the classified civil service for any party or political purpose whatever.

Section 21. Soliciting Political Contributions from Officers or Employees Forbidden. No person shall solicit, orally or by letter, or be in any manner concerned in soliciting any assessment, contribution or payment, for any party or any political purpose whatever, from any officer or employee in the classified service of the State.

Section 22. Assessments, Etc. in Public Offices Forbidden. No person shall, in any room or building occupied for the discharge of official duties by any officer or employee in the State, solicit orally or by written communication, delivered therein, or in any other manner, or receive any contribution of money or other thing of value, for any party or political purpose whatever, from any member of the classified service of the State.

No officer, agent, clerk, or employee under the government of this State, who may have charge or control of any building, office or room, occupied for any purpose of said government, shall permit any person to enter the same for the purpose of therein soliciting or delivering written solicitations for, or receiving from, or giving notice to, any member of the classified service of the State, of any political assessments.

Section 23. Abuse of Official Influence Forbidden. No officer or employee of the State shall discharge or degrade or promote or in any manner change the official rank or compensation of any officer or employee in the classified service of the State, or promise or threaten to do so, for giving or withholding or neglecting to make any contribution of money, or other valuable thing, for any party or political purpose, or for refusal or neglect to render any party or political service.

Section 24. Payment for Appointment Prohibited. No applicant for appointment in said classified civil service, either directly or indirectly, shall pay or promise to pay, any money or

other valuable thing to any person whatever, for or on account of his appointment, or proposed appointment, and no officer or employee in the classified service of the State shall pay or promise to pay, either directly or indirectly, any person any money or other valuable thing whatever, for or on account of his promotion or proposed promotion.

Section 25. Recommendations for Political Service Prohibited. No applicants for appointment or promotion in said classified civil service shall ask for or receive a recommendation or assistance from any officer or employee in said service, or from any person, upon the consideration of any political service to be rendered to or for such person, or for the promotion of such person to any office or appointment.

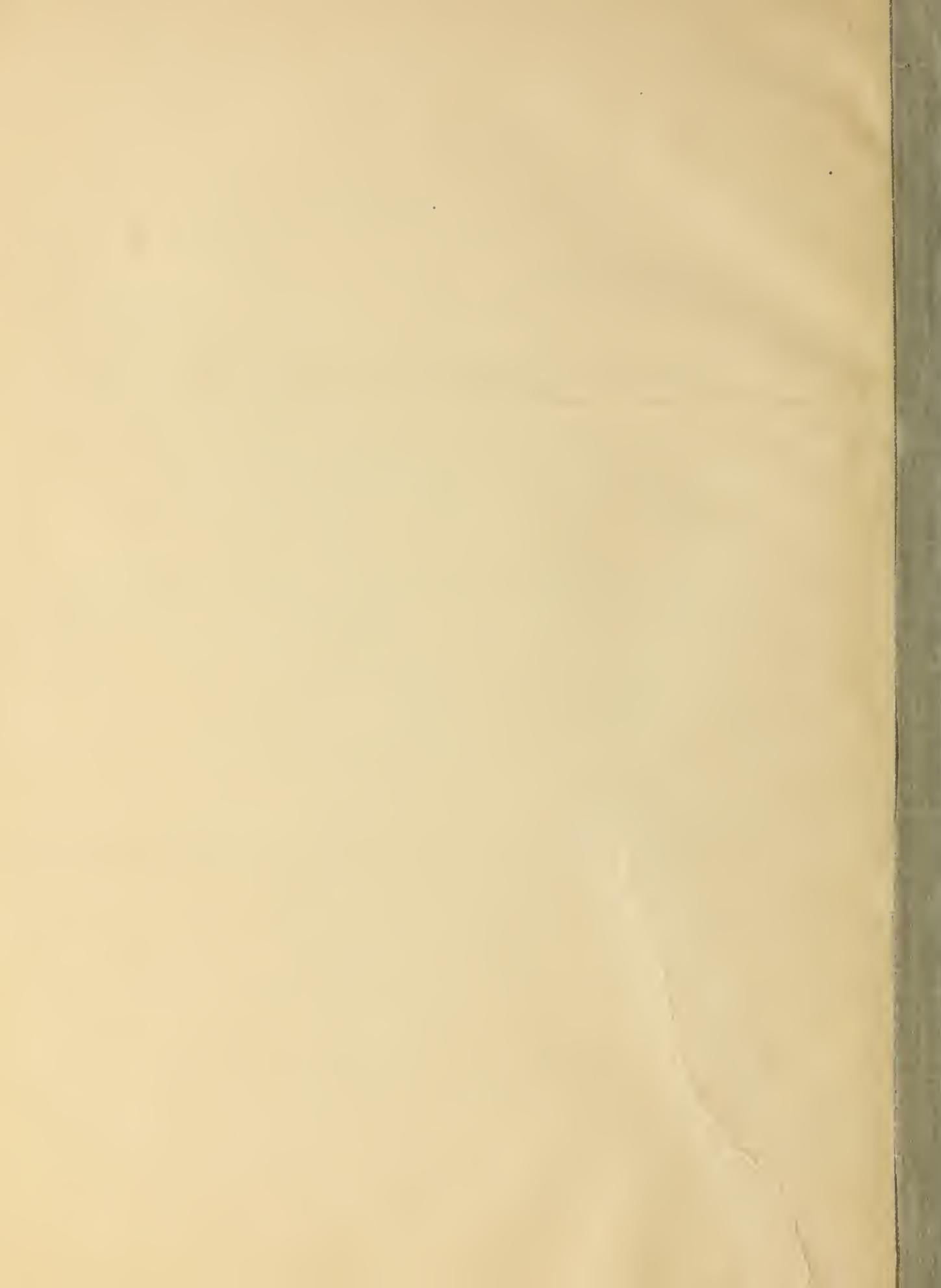
Section 26. Corrupt Use of Political Influence Prohibited. No person, while holding an office or position in the classified service of the State, or in nomination for, or while seeking a nomination for or appointment to any such office shall corruptly use or promise to use, either directly or indirectly, any official authority or influence (whether then possessed or merely anticipated) in the way of conferring upon any person, or in order to secure or aid any person in securing any office or public employment in the classified service, or any nomination, confirmation, promotion, or increase of salary, upon the consideration or condition that the vote or political influence or action of the last named person or any other, shall be given or used in behalf of any candidate, officer or party, or upon any other corrupt condition or consideration.

Section 32. Compelling Testimony of Witnesses, Etc. Any person who shall be served with a subpoena to appear and testify, or to produce books and papers, issued by the commission or by any commissioner, or by any board, or person acting under the orders of the commission in the course of an investigation, conducted under any of the provisions of this Act, and who shall refuse or neglect to appear, or to testify, or to produce books and papers relevant to said investigation, as commanded in such subpoena, shall be guilty of a misdemeanor and shall, on conviction, be punished as provided in Section 33 of this Act.

The fees of witnesses for attendance and travel shall be the same as the fees of witnesses before the circuit courts of this State.

Any circuit court of this State, or any judge thereof, either in term time or vacation, upon application of any such commissioner, or officer, or board, may, in his discretion, compel the attendance of witnesses, the production of books and papers, and giving of testimony before the commission, or before any such commissioner, Investigating Board or officer, by an attachment for contempt or otherwise, in the same manner as production of evidence may be compelled before said Court. Every person who, having taken an oath or made affirmation before a commissioner or officer appointed by the commission authorized to administer oaths, shall wilfully swear or affirm falsely, shall be guilty of perjury and upon conviction shall be punished accordingly.

Section 33. Penalties. Any person who shall wilfully, or through culpable negligence, violate any of the provisions of this Act, or any commissioner, examiner, agent or employee of the commission, or any applicant, who shall wilfully, or through culpable negligence, violate any rule promulgated in accordance with the provisions thereof, shall be guilty of a misdemeanor and shall, on conviction thereof, be punished by a fine of not less than fifty dollars nor more than one thousand dollars, or by imprisonment in the county jail for a term not exceeding six months, or both such fine and imprisonment, in the discretion of the court.



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